

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
TENNESSEE AT NASHVILLE**

<b>Chris Sevier</b>		
<b>Plaintiff</b>		<b>CASE NO: 3:13-cv-00607</b>
<b>V.</b>		<b>Honorable Judge Campbell</b>
<b>Apple Inc, et al</b>		
<b>Defendants</b>		

**REPLY TO THE RESPONSE REGARDING A PUBLIC HEALTH CRISIS**

**"We shall overcome because the arc of the moral universe is long, but it bends toward justice."**

NOW COMES I, Chris Sevier, in reply to the Defendants response in opposition. All motions and request that I file should be granted because Apple and HP (an other similarly situation device makers) are responsible for a public health crisis, silent epidemic, and a systemic threat to National Security. Highly graphic pornography is interfacing with global capitalism. Live Chat, Streaming video, pop ups, online system payment, and anti-fraud security was all created by pornographers and capitalized on by device makers to include these two defendants." Porn is driving technology. There are aligned. Pornographers are the sex educators of our children, as a result of the Defendants fraud. Children have gone from Dr. Seuss to porn. Visit "Boyz.com" if you have a desire to be permanently disturbed. Who can say with a straight face that "Disney Princesses" pornography is not designed to target children. Device makers are partnering with pornographers to target our children. It is the ugly truth that we, adults, must confront to end suffering. Free samples of smut given out by pornographers is like a Tobacco company going to a school play ground and passing out free cigarettes. Professor Ford, a woman, should understand that if women do not have bodily integrity, they do not have anything. Porn turns sex into a product and the body into a commodity. If its a product, you can sell it, if you can sell it,

you can steal it. Selling it is the sexual exploitation industry, which steals intimacy and destroys love. Objectification of women is what makes Porn sizzle. Neither children or adults should not have to navigate sexual toxicity. The Legislature and Executive have turned a blind eye. But the Courts can fix this break down in Democracy. "Out of the mountain of despair, stands [this Court as] a stone of hope." Dr. King. Although the same-sex marriage plight is falsely compared to racism by the reliance on Loving v. Virginia, 388 U.S. 1 (1967) , which has now placed the integrity of the equal protection and due process clause in grave danger, along with our National identity. The pornography fight is tantamount to fighting modern day slavery. "*We must come to see that the end we seek is a society at peace with itself, a society that can live with its conscience.*"

#### SEAMLESS INTERCONNECTED CONTINUUM: DEVICE, PORN, STRIP CLUBS, SEX TRAFFICKING

Devices sold by the Defendants, Pornography, strip clubs, sex trafficking is part of a seamless interconnected continuum. Pornography is visual invasion for money. Strip clubs are live visual invasion of money. Prostitution is live, visual, and physical invasion for money. Rape is live, visual, and physical invasion by force. Apple and HP disregard of the obscenity law is at the forefront of that seamless interconnected continuum. To kill a snake, its best to cut its head off. Device delivered pornography is the new crack cocaine. It is a cocaine pipeline, pumped into our houses and persons 24/7 through cell phones and laptops. These devices are designed to be portable and are impossible for parents to monitor. Pornography creates sexual entitlement, suggesting that my pleasure is more important than someone else's pain. The Porn that Apple and HP deliver permission giving belief such as all men go to prostitutes, all people want sex with all people all the time, women enjoy being raped, women enjoy degrading sex, children enjoy sex

with adults. Apple and HP's porn teaches things such as (1) sex is not about intimacy, caring, love or respect; (2) sex is not about marriage or having children, (3) sex is recreation, you don't need to know your partner; (4) sex with stranger is the best and most interest kind there is. Internet pornography tends to be designer sex. You keep clicking until you find the idealized image or the preferred image the moment. Real live people are not so clickable. The pink elephant in the Court room is that there are people like Professor Ford, who can stand before this Court and lie to its face that the adults in control of this country have the best interest of our children in mind. It is no wonder the youth should not and do not trust the current generation of adults, who pride has placed them in peril. We do not need old people, who live off the tops of their heads running our lives into the ground through semantics. *The tongue has the power of life and death, and those who love it will eat its fruit. Proverbs 18:21*

### OBSCENITY LAWS

Apple, HP, and other devise makers fail to remember that obscenity is a crime and deserves to be prosecuted to the fullest extent of the law. Apple and HP executives are the greatest distributors of pornography in the world and should be prosecuted above all others. It has been an offense to traffic in obscenity since the beginning of our Nation and is still a crime under Federal law and the laws of nearly every State. Because it is a crime, and because organized crime had always played a dangerous role in controlling the porn syndicates that made and distributed hard-core pornography, Congress has always taken the position that obscenity should be treated as any other serious crime. That also means, for us civilians, that obscenity should be prosecuted in a persistent and fair fashion, consistent with the Equal Protection Clause that insures all violators should have an equal chance at facing justice in the courts of law.

Yet, I am not here to ask the Court to force the Federal and State Attorney Generals and prosecutors to prosecute. Although if they did decide to prosecute, they should start with the device makers executives. Because these Defendants expose customers to obscene content, they need to be forced to take the steps to make their products safer. I have submitted the perfect compromise. Congress and the State Legislatures have maintained that obscenity, and its modern extreme form known as child pornography, are not victimless crimes and contribute to anti-social conduct, sex crimes, deterioration of neighborhoods, and influence attitudes and activities among men, women, and children that contribute to a lack of respect for human dignity, personal privacy, mutual rights, and personal safety.

In regards to porn in the analog realm, the Supreme Court and other state and federal courts have recognized the harmful secondary effects of "hard-core porn shops" and other "sexually oriented businesses" that specialize in pornography and commercial nudity and upheld the right of cities and counties to enact zoning and licensing ordinances based on reports and studies of their destructive impact. There were at least forty such studies and reports of municipalities and state agencies that have documented such crime impacts and urban blight, including those reports from such diverse communities as Los Angeles, Cleveland, New York City, Phoenix, Minneapolis, Indianapolis, Seattle, Oklahoma City, Houston, Dallas, El Paso, Las Vegas, .Alliance, Ohio, Newport News, Virginia, Manatee County, Florida, Adams County, Colorado, and New Hanover County, North Carolina. Given the highly graphic and abundant nature of smut on devices and its easy accessibility the secondary effects have demonstrated to be substantially worse. All I am asking is that porn on devices by default be harder to access, just like zoning laws make going to many strip clubs inconvenient. We need to break this

interconnected continuum. This slight inconvenience can go a long way to better allow husbands and teenagers to muster the individual will power to triumph over the realities of temptation, seduction, enticement, and activity that leads to long term devastation. My demand is completely reasonable and in keeping with the realities of the human condition. My demand is made in furtherance of the best interest of adults and children, pursuant to T.C.A §§ 36-6-101 et seq.

As the Supreme Court said in the *Paris Adult Theatre* case in 1973, "The sum of experience...affords an ample basis for legislatures to conclude that a sensitive, key relationship of human existence, central to family life, community welfare, and the development of human personality, can be debased and distorted by crass commercial exploitation of sex. The States [and Congress] have the power to make a morally neutral judgment that public exhibition of obscene material, or commerce in such material, has a tendency to injure the community as a whole, to endanger the public safety, or in Chief Justice Warren's words, to jeopardize, States' "right. . .to maintain a decent society." *Paris Adult Theatre Iv. Slaton*, 413 US 49, at 63,69 (1973). These laws exist, and through this injunction I am giving the Court the opportunity to give life to these laws, which will bring forth life and healing in our communities. The Court has a powerful opportunity to indicate to men and women how they should perceive one another, and further the road to recovery for thousands of victims by sending the message that the Federal Government cares about them.

**MY COMBAT BOOT IS ON THE NECKS OF THE GOVERNORS AND ATTORNEY GENERALS**

I have immense respect for Governors and Attorney Generals. However, I have more concern for children and the defenseless. I wish this Court only knew the degree to which I have my foot on the necks of the Attorney Generals and Governors offices in multiple states. This is

especially true in Florida, South Carolina, Arizona, Utah, and Virginia. I am involve in litigation where the Governors and Attorney general's office are making child centric to defend DOMA/traditional marriages only to then turn around and ignore my straight forward demand that they make device makers comply with obscenity laws to inflict a meaningful blow to sex trafficking and child molestation. They cannot say that the are proponents of children and traditional marriage only to balk at my demand that they break this interconnected continuum at the device level. I will continue to everything I can to increase this mounting pressure. I ask this Court to join grant the injunction and to adopt Dr. King's suggestion: "Make a career of humanity. You will make a better person of yourself, a greater nation of your country, and a finer world to live in."

### PORN WARS FIRST WAVE

Apple, HP, Dell, Verizon, Samsung, Android have effectively been able to purchase immunity and use misdirection to avoid accountability until now. Politicians are in their pockets (and are part of this continuum), but we can end that through the function of this Court. At the President's insistence, Attorney General Holder has wrongfully disband the DOJ obscenity prosecution team, but I will not allow them to rewrite history at the expense of our families because their misguided adult centric belief system, which completely denies that humans are inseparably spiritual beings, not just sexual ones. The executive branch does not know what they are doing. The first wave to hit the beaches in the Porn Wars included Federal prosecutors, like Larry Parrish of Memphis, who handled the Deep Throat cases against the gangsters who distributed that film; Prosecutor Marcella Cohen of Miami brought the MIPORN cases against the gangsters who controlled the porn-syndicates nationwide; Prosecutor Dan Newsom of Memphis covered

down on several cases against local and national pornographers who violated Federal laws in and through that area. Prosecutor Bruce Taylor, my favorite, accomplishments are unsurpassed but because he is working at DOJ now, I will merely make reference. Pat Truman, who was the Chief of CEOS, the Child Exploitation and Obscenity Section of DOJ, in the late 80s and early 90s, a prosecution section that worked with U.S. Attorneys' offices across the Country to obtain 126 adult-obscenity convictions and over \$24 million dollars in fines and forfeitures between 1987 and 1995. These men of value are local prosecutors and police who made major history in prosecuting obscenity out of major cities like Cincinnati, Atlanta, Boston, Fort Lauderdale, *Salt Lake City*, Buffalo, and Oklahoma City, and nearly finished the battles off in other cities like Memphis, St. Louis, Las Vegas, New Orleans, Houston, and Cleveland. These men were champions of children in there time. But times have change. But like Lars from Metallica's fight with Napster, to employ prosecutions in landscape of today's battlefield would be attacking a symptom, not the source. Maybe the President and Defendant Holder were right to cut back on prosecutions, but total inactions is outrageous!

As a former prosecutor myself, I am not necessarily a proponent of prosecutions. The criminal justice system is rife with dysfunction and is doing more harm than good for many. I am interested in prevention - stopping the problem before it breaks out. I am an advocate of mercy, peace, and grace. If Apple and HP would modify their products, as I have demanded a massive blow to this public health problem would begin to manifest itself. Intentionality needs to shift the burden on to those who want to see obscene content to take additional steps to do so. By way of analogy, I understand that Courts are not really impressed with Copyright lawsuits at the moment. Given the amount of illegal downloading, the Copyright Act is merely a tattered flag on

a sinking ship. To enforce the Copyright act is treating a symptom of a greater problem presented by the unregulated opportunity. Likewise, to selectively prosecute individuals for exploiting an opportunity that device makers like Apple and HP have provided is too harsh. I have operated in a command and control environment where pornography and sex was illegal and know what that is like under title 10 jurisdiction. I am not a proponent of legislating morality.

Pornographers and device makers are collective opportunist, who are exploiting a system that greed that targets children and families, and poses a threat to National Security interest and the perceptions of our populace. Easily accessible porn is not only changing sexual orientations, proliferating infidelity, sex trafficking, and destroying intimacy it is placing our society in jeopardy at large.

All humans are inseparably sexual and spiritual beings. The law should reflect these competing realities, and so I stand by my motion for oral arguments, if that will help the Court make a more sound decision on the preliminary injunction demand. The perfect compromise is for all devices to leave the manufacturer with pornography automatically "opted out," with the possibility of opting in only, if the customer is over 18 and shows proof of ID. I have provided Attorney General Holder and President Obama with a brilliant opportunity to score politic points for both sides, if they would merely just act instead of proliferating dissension, which is either the mark of a community organizer or the mark of leaders who do not know what they are doing. I personally have no interested in retro politics. I am only interested in humanity because I love people; the Court should follow my example and impose the injunction. "Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate, only love can do that."

THE PENTAGON ASKED ME TO WIN THIS CASE

I am in Washington D.C. now, and I am writing this reply inside the United States Supreme Court building. It's not by mistake that just a couple of days ago, May 21, 2014, I had meetings inside the Pentagon with those in charge of sexual assault regarding this lawsuit. In the military, a line unit best handles its disciplinary problems at the lowest level. Most of us Judge Advocates did not join the military with the hopes of prosecuting fellow Soldiers. So, preventive measures are a commander's best friend. Sexual assault and divorce in the military is a terrible problem. The evidence from Dr. Layden, Dr. Hilton, the Witherspoon Institute, Dr. Reisman, and hundreds of other researchers and professionals demonstrates with convincing clarity that this matter is a public health crisis. The military has been scarred by public perception problems of instances of sexual assault, divorce, and violence towards women. I am going to make best efforts to assist the Military in promulgating regulations that require all Soldiers to have filters installed on their computers and mobile devices that they bring on to a military installation, if the device will be on the site for more than 72 hours. Although the American Family Alliance caused all pornographic materials to be removed from all PXs, this was a hollow victory. The real problem is that there is an endless supply of pornography on the Soldiers themselves in the form of a cell phone and laptop computer (products sold by the Defendants); which is disruptive to good order and discipline. Since the evidence shows that pornography promotes sexual violence, promiscuity, compulsive sexual behavior, and divorce it is no wonder that the military has been tragically plagued by such instances. To remove culpability and to clean the hands of the military itself, the Armed Forces must impose a filtering requirement on Soldiers, who pride themselves on being held to higher disciplinary standards than both civilians and lawyers (see Professor Ford's personal hypocrisy). As it stands now, the Military will have to contract with a third party to convert such

a program into a reality. But it is not the job of a third party to make Apple and HP products safe. It is there duty. The United States Military needs the Court to impose the injunction that I have demanded so that we can accomplish the mission to protect the hearts and minds of our own troops so that they can fulfill the hearts and minds mission overseas. I will be more than happy to elaborate on these matters that associate with making a stronger and better Defense force at oral argument. The biggest take away from my meeting at the Pentagon is that they asked me to win this case, and I do not want to allow that detail to slip past the attention of this Court of record. The Court needs to take into consideration our men and women in uniform and better help commanders impose good order and discipline in their ranks. Following my meeting with command, I intend on fighting my opponents more aggressively in this case, which the Court should consider to be understandable. If the Court would merely grant the injunction, it is going to make the goals of the military and commanders much easier to accomplish the mission, certain details of which I will not go into.

**COVENANT EYES AND NET NANNY ARE WILLING TO PARTNER DIRECTLY WITH THE DEFENDANTS TO BETTER CREATE A SILVER BULLET IF NECESSARY**

Obscenity laws should be enforced. But most importantly, we need Court injunctions under products liability civil law issued to make the device makers respect the laws of the United States, even if the Governor and President are on the sides of pornographers, not children. We also need innovative legislation, against ISPs, so that their is no ambiguity on these matters so that "Porn Wars" will not longer feel like rolling a bolder up a hill. Public shame, education, and prosecutions is merely treating a symptom of a systemic problem that has cursed us with a public health crisis. I want a actual solution and a more refined silver bullet. The evidence shows that Apple and HP have the technology in their possession to sell their products in an opted out

scenario. On May 17th, I had one on one meetings with the President and CEOs of Covenant Eyes and Net Nanny. The take away from that meeting was that if the Court imposed the injunction Covenant Eyes and Net Nanny would be thrilled to work directly with Apple and HP in implementing establishing an opt-out scenario. Both directors were enthusiastic and delighted at this possibility; they can more nearly perfect what they have started. They both acknowledged that such a direct collaboration would greatly serve to inflict a massive blow to this public health crisis over time. This response from the CEOs of Net Nanny and Covenant Eyes, like the meeting with the Pentagon, is another detail that should not slip past the Court's purview. The problem with third party filtering companies is that they do not have insider knowledge on how to fix the problems with Apple and HP's defect devise to being with. It is not the job of a third party to make Apple and HP's products safe.

I appreciate the fact that like a drug dealer, pornographers and members of the media are merely trying to feed their families, even though it is at the expense of other families, which impeaches their justifications and does not get them off the hook. The media (who are a gaggle of sensationalist) have completely fallen off of their rocker by attempting to construe pornography as a rightwing and leftwing matter. It is neither. The whole idea of conservative and liberal is grossly outdated and should be reclassified as Christ/child centric verse self/adult centric verses command and control categorizations. This case is a matter of brain science in the same way that the same sex marriage cases are. We are dealing with the science of dopamine, oxytocin, serotonin, and Beta Fosb. Pornography is a public health crisis in the same way the tobacco litigation was. Unless Apple and HP take the initiative, they will meet the same fate in the court of public opinion at the bare minimum.

I do not have the patience to ask Eric Holder to enforce obscenity laws against device makers - that would be like asking Himmler to allow the Jews to simply waltz out of a death camp in the 1940s. I do, however, expect and pray that this Court of Honor will impose my demand, protecting our families, daughters, and children, - ending Apple and HP's fraud and violations of obscenity laws. T.C.A §§ 39-17-903 et seq. that was never designed to be blue law but a way to protect families.

#### INTERNATIONAL IMPACT

*"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."*

*Dr. King*

This case has not had international media coverage by mistake. This past weekend at a Sex Trafficking Coalition meeting put on by Morality in Media, there were representatives from all over the world, who were sent by their country and who were desperately looking to the U.S. to provide an answer to the public health crisis that porn has been causing in their countries as a result of this capitalistic concerted effort. At the risk of not sounding humble, this lawsuit contains the best answer. We are never going to be able to get rid of porn completely nor should we try. Prohibition of alcohol didn't work either. If the Courts imposes the injunction, other countries can follow our example and make device makers sell their products with filters. This will serve to curb the horrible side effects of this epidemic. For the sake of the international community, I beg this Court to impose the injunction. Have no false apprehension, the Court has been vested with an opportunity to have global impact. This consideration transcends all others. "The ultimate measure of a man is not where he stands in moments of convenience and comfort, but where he stands at times of challenge and controversy."

As noted by the Supreme Court in *Roth v. United States*, 354 U.S. 476, at 485 n. 15

(1957), and *New York v. Ferber*, 458 U.S. 747, at 754 (1982), there is an international Treaty that can be used by U.S. and other Nations to cooperate in identifying and prosecuting obscenity offenses. The original Treaty is called "Agreement for the Suppression of the Circulation of Obscene Publications", signed at Paris, May 4, 1910 In the U.S. it is reported at 37 Stat. Pt. 2, p. 1511, Treaties in Force 209 (U.S. Dept. of State), Treaty Series 559. The 1949 Protocol transferred the recording and tracking functions to the United Nations. There are now over 130 signatory countries.

Pursuant to the spirit of these prosecutorial treaties, other countries can follow our standard and imposed requirements that all devices be sold with filters in effect. Prevention is preferred over prosecution. Assuming arguendo, it might not have been coincidence that I was in London in the March of 2013. It is also might not have been an accident that Prime Minister Cameron has invited the United States to join a joint task force to fight this issue. If the Court imposes the relief in the injunction that I have sought, other nations could follow our example, and in doing so, protect their children and families globally. Our world could be a happier, healthier, and more functional place for children and adults. For the Court to make a decision that transcends our boards is not something that should be taken lightly, and thus, oral argument is requested. The personal convenience of a hypocrite like Professor for is not superior to the interest of the global community, no matter how hard Apple attempts to convenience her otherwise. The United States is largely responsible for this sexual holocaust but we can end this slavery. *"I believe that unarmed truth and unconditional love will have the final word in reality. This is why right, temporarily defeated, is stronger than evil triumphant."* Dr. King.

A MAC BOOK IS LIKE A PLAYBOY MAGAZINE

A device, like a laptop, is effectively like a porn magazine. The front and back of the lap top are like the front and back of a playboy. Inside of the laptop is a bundle of goods. There is some legitimate content inside (like the sports articles which are also found in playboy) and some non-legitimate content, like simulated rape porn of barely legal teens, who are dressed to look like children. Apple and HP have a duty to NEVER distribute that content to children or adults. Like in the movie a beautiful mind, John Nash makes the point that there are some appetites of the mind that simply should not be fed. When need to terminate this atmosphere of extreme toxicity and stop feeding ourself death.

#### PROTECTING LAW ENFORCEMENT

Despite Apple and HP's view that they are above the law, obscenity laws has always been a national and international crime that was committed primarily by a syndicate of hard-core pornographers who supplied the obscenity to local porn shops, commercial Websites, video outlets, and pay-per-view movie services. Effective and fair enforcement of Federal and State laws requires the latest information and the highest standards of law enforcement to deal with this complex and widespread criminal enterprise. Existing laws can be effective, if universally enforced, and the public deserves the benefit of those laws and deserves the continued vigilance of the Congress in keeping our laws up to date and in seeing that they are well and justly enforced against those who knowingly pander unprotected pornography in violation of those existing and future laws.

But most immediately, the pressure and focus should not be on international law enforcement nor A21, international justice mission, and Enough is Enough. Despite having been viciously maliciously prosecuted by Nashville Metro, I am a major proponent of law

enforcement. The pressure belongs on device makers, not on police officers. By imposing the injunction, the Court is safeguarding the law enforcement. Apple and HP should try coming over to the side of the good guys for a change by supporting law enforcement, not sex traffickers and child molesters. Pornography and sex trafficking at the end of the day is merely men manipulating other men for pay. This is why pornography has a causal connection to the same-sex marriage litigation. Manipulation of sexuality is at the heart of the matter.

There are three classes of unprotected pornography that Congress and the States have prohibited from commercial and public distribution under criminal statutes, nuisance abatement statutes, and civil injunction laws, which are Obscenity, Child Pornography, and pornography that is Harmful To Minors. Obscenity, which may include all hard-core adult pornography, is not protected by the First Amendment and is unlawful to produce and sell under the laws of most States, and is a felony under Federal laws to transmit or transport by any facility of interstate or foreign commerce, including over the Internet and through devices that allow one to connect to the internet in the first place. The internet is not a cube in the desert that glows. It is one part of a sum. The sum is the device. Without the device that powers "on an off," there is no internet (it does not exist). Therefore, we are involved in a products liability action against the true culprit who is at the helm of the sex trafficking enterprise, who came camouflaged as an angel of light. The device is first in line and is the superseding liable party.

Every time Apple and HP sell a laptop and cell phone without preset filters that make reasonable attempts to block pornography, they are distributing all three kinds of unprotected pornography, and are therefore, violating criminal and products liability laws. Obscene pornography is unprotected even for "consenting adults" and the Supreme Court upheld

the right of Congress to declare it contraband and prohibit the use of any means or facility of interstate or foreign commerce to move or ship any obscene materials. Under existing U.S. Code sections, traffic in obscenity is a felony offense, such as Title 18 of the U.S. Code, section 1461, making it a crime to knowingly mail obscenity, even for private use, or to mail advertisements for obscenity, section 1462, making it a crime to knowingly import, exploit, or domestically ship obscenity by common carrier via computer, cell phone, xbox, ground, air, water, satellite, Internet, phone, TV, or cable, et cetera, even for private use, section 1465, making it a crime to knowingly transport obscenity, for sale or distribution, across state lines or by any means or facility of interstate or foreign commerce, plus sections 2252 and 2252, making it a crime to knowingly transport, receive, or possess child pornography within, into, or out of the United States by any means, including computer, or even possess child pornography that has been so transported or transmitted, and sections 1961 through 1969, the RICO statutes, which make it a racketeering crime for those who knowingly use an enterprise in a pattern of Federal and State obscenity or child exploitation offenses. Apple and HP are lucky that they have the deep pockets to buy off politicians. But they are unlucky in that I have faith in our Courts.

The Supreme Court of the United States has always held that obscenity is not protected speech under the Constitution and upheld the power of Congress and State Legislatures to prohibit obscenity from the streams of commerce. As the Court said in the famous Miller case in 1973, "This much has been categorically settled by the Court, that obscene material is unprotected by the First Amendment." *Miller v. California*, 413 U.S. 15, at 23 (1973). The Court held that was true even for "consenting adults." *Paris Adult Theatre v. Slaton*, 413 U.S. 49, at 57-59 (1973). Almost 25 years later, the Court reminded us that "Transmitting obscenity and

child pornography, whether via the Internet or other means [such as a device sold by the Defendants], is already illegal under federal law for both adults and juveniles." *Reno v.ACLU*, 521 U.S. 844, 117 S.Ct. 2329, at 2347, n 4 4 (1997). So although Apple and HP make "a big to do" about the fact that I was over 18, when I was violated and injured by them, they should be counting there blessings that there is an attorney general and president in office who arrogantly think that they are legislatures. However, this Court can maintain integrity of the rule of law and enforce the spirit of obscenity laws by imposing the injunction for the sake of women and children. Like a projectile, the Court can prevent us from going over the ledge and send a powerful message to the culture.

Lets consider the standards that Apple and HP ignore (the same way that Professor Ford ignores the fact that she works at Lightfoot Franklin; and little Lightfoot junior was hired by my father to work at his firm at any second little Lightfoot Jr. could be canned for the sake of millions of children at stake here, which continues to constituted a "gun to the head" that has caused Professor Ford remain in a persistent state of ethical violation). The "*Miller Test*" was announced by the Court to provide judges and juries with legal guidelines for determining obscenity under both Federal and state laws. In three major cases, the Supreme Court defined obscenity and clarified that the test is one for the juries and judges to decide, consistent with the *First Amendment* to our Constitution. In the *Miller-Smith-Pope* case, the Court set out the three-prong constitutional criteria for obscenity law enforcement and court decisions:

(1) whether the average person, applying contemporary adult community standards, would find that the material, taken as a whole, appeals to a prurient interest in sex, *i.e.*, an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion; and (2) whether the average person, applying contemporary adult community standards, would find that the work depicts or describes, in a patently offensive way, sexual conduct, *i.e.*, "ultimate sexual

acts, normal or perverted, actual or simulated; ... masturbation, excretory functions, and lewd exhibition of the genitals"; and sadomasochistic sexual abuse; and (2) whether the average person, applying contemporary adult community standards, would find that the work depicts or describes, in a patently offensive way, sexual conduct, *i.e.*, "ultimate sexual acts, normal or perverted, actual or simulated; ... masturbation, excretory functions, and lewd exhibition of the genitals"; and sadomasochistic sexual abuse; and (3) whether a reasonable person would find that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. *See Miller. California*, 413 U.S 15, at 24-25 (1973); *Smith v. United States*, 431 U.S. 291, at 300-02, 309 (1977); and *Pope v. Illinois*, 481 U.S. 497, at 500-01 (1987).

Unlike obscenity, Child Pornography is a more objective test, and consists of an unprotected visual depiction of a minor child under age 18 engaged in actual or simulated sexual conduct, including a lewd or lascivious exhibition of the genitals. It is a crime under Federal and State laws to knowingly make, send, receive, or possess child pornography.

*See* 18 US.C § 2256 and 2256A; *New York v. Ferber*, 458 US 747 (1982), *Osborne v. Ohio*, 495 US 103 (1990), *United States v. X-Citement Video, Inc.*, 115 S.Ct. 464 (1994). *See also United States v. Wiegand*, 812F2d 1239 (9th Cir. 1987), *cert. denied*, 484 US. 856 (19'67), *United States v. Knox*, 32 F3d 733 (3rd Cir. 1994), *cert. denied*, 115 S. Ct. 897 (1995).

In 1996, Federal code section 2252(A) was enacted to include "child pornography" that consists of a visual depiction that "is or appears to be" of an actual minor engaging in "sexually explicit conduct". Section 2252A was first upheld, as Congress intended it to apply to computer generated images that were so realistic that they could not be distinguished from actual photos of real children, in two Federal Circuits, *United States v. Hilton*, 167 F3d 61(1st Cir.1999), and *United States v.. Acheson*, 195 F3 at 645 (11th Cir 1999); but the Supreme Court declared the statute invalid as applied to child pornography that was wholly generated by means of computer. *Ashcroft v. Free Speech Coalition*, 535 US. 234 (2002) Congress then amended that law in the PROTECT Act of 2003, Senate Bill 151, which also enacted a new section 1466A to give an even greater penalty for obscene forms of child pornography. Apple and HP's arrogant responses

in this case alone demonstrate that they ratify, encourage, enable, and support the distribution of child pornography into our homes and onto our persons and deny any liability in the same way that Tobacco executives did before a whistle blower, like myself, exposed them - reporting that the Tobacco executives knew that Tobacco was addicting but failed to warn.

In addition to obscenity and child pornography, there is also a third type of pornography that is criminalized as Harmful To Minors, which may include soft-core pornography, which may not be obscene for adults, as well as hard-core pornography that could be obscene even for adults. It is unlawful to knowingly sell or display such Harmful to Minors pornography to minor children under State laws and under Federal law as enacted in the Child Online Protection Act of 1998 (Called COPA, 47 US.C § 230). This is true even if the material is not obscene or unlawful for adults. So called "Harmful to Minors" or "Obscene For Minors" pornography is known as "variable obscenity" because the Supreme Court held that the test would be varied or modified to apply to the specific audience of minors to which it was directed or would reach. See Ginsberg v. New York, 390 US. 629 (1968), as modified by Miller, Smith, Pope, *supra*. See also Commonwealth v. American Book sellers Ass'n, 372 S.E.2d 6180/a. 1988), followed, American Booksellers Ass'nv. Commonwealth of Va., 882 F2d 125 (4th Cir. 1989), Crawford v. Lungren, 96 F3d 380 (9th Cir. 1996), cert. denied, 117 S. Ct. 1249 (1997). Under the "Millerized-Ginsberg Test," pornography is "Harmful To Minors" or "Obscene For Minors" when it meets the following three prong test, as defined by statute, and properly construed by the courts, and judged in reference to the age group of minors in the intended and probable recipient audience:

(1) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion, as judged by the average person, applying contemporary adult community standards with respect to what prurient appeal it would have for minors in the intended and probable

recipient age group o f minors; and (2) depicts or describes, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals, as judged by the average person, applying contemporary adult community standards with respect to what would be patently offensive for minors in the intended and probable recipient age group of minors; and (3) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors, as judged by a reasonable person with respect to what would have serious value as to minors in the age groups of the intended and probable recipient audience of minors.

In addition to criminalizing traffic in obscenity and child pornography for both adults and minors, Congress has acted to provide further provisions to protect children from exposure to adult and child pornography, starting with COPA in 1998 to stop commercial porn Websites from showing free teaser samples of pornographic pictures on their front pages and to require an adult identifier such as a PIN or credit card number to exclude minors. The idea of giving out "free samples of porn" is no different than a Tobacco manufacturer passing out free cigarettes to children on a playground. Kids are being targets, and I am asking the Court to do something about it. Congress also required federally subsidized schools and libraries to use Internet filters to attempt to restrict adult access to visual images of Obscenity, i.e. hard-core pornography, and Child Pornography, i.e. sexually explicit images of minors, and to also try to block pornography that is harmful to Minors, such as hard and soft core pornography on terminals while used by minors under 17, as part of the Children's Internet Protection Act of 2000, which was actually upheld by the Supreme Court in overruling the challenges by the American Library Association and ACLU against using filters to block pornography on Federally funded computers in public libraries and schools. United States v. Amencan Library Ass 'n, 529U.S. \_\_, 123 S.Ct. 2297 (2003). Finally, also as part of the PROTECT Act of 2003, Congress amended the Communications Decency Act of 1996, the famous CDA that began Congressional efforts to rein in pornography on the Internet, in light of the Court's 1997 decision in Reno v. ACLU, and

thereby re-instituted section 223 of Title 47 of the U.S. Code to require Internet sites and providers to take good faith steps to prevent the knowing display to minors of obscenity or child pornography. Those laws, described above, defined by Supreme Court decisions, and enacted and re-enacted by Congress and then enacted by state legislatures across the Country, are available for law enforcement, in our courts, in our communities, in our lifetimes (as in immediately). Although reigning in the ISPs is valid and Constitutional, the idea of blaming the "magical internet" is palpable misdirection in the same way that it was red herring for Hitler to blame the Jews for Germany's woes. The public at large has been duped by the greed of Capitalistic device makers and paid off politicians. Although I am a proponent of Capitalism, I am a proponent of child centric capitalism, not adult centric capitalism that literally has posed an internalized threat to National Security under the leadership of the most un-American President that our Nation has ever had.

It cannot be said that Congress has not given law enforcement the tools to protect the public from the harms of illegal pornography, and the intent is clear to continue to maintain and improve those laws for the good of society and the protection of victims of pornography. (It cannot be said that Apple and HP do not have the technology to sell their products with preset filters, but only that they are engaging in fraud). It has historically been essential to preserving respect for the laws of public morality, and to do as the Supreme Court said was the "right of the Nation and of the States to maintain a decent society." History has taught us that an immoral Nation that turns its back on Biblical principles and infuses hypocrisy into its laws will not survive. While the media and politics are busy creating sensationalism and controversy objective principles of truth are being trampled at the expense of our collective best interest - especially the

interest of children.

In order to protect the next generation of children, women, and men from the harms and addiction of pornography, obscenity laws, can be persistently and consistently enforced against all classes of offenders who violate our laws and against all classes of unprotected pornography that are prohibited by those laws. This can be done by the prosecutors and police who are charged in our communities and in our Country with the duty and privilege to enforce those Federal and State laws for the good of all our children and families.

But I am here as a victim myself to ward off prosecution by simply demanding that Apple and HP be convinced by this Court that it means business about protecting our children and families from the malicious distribution of pornography into our homes and onto our persons through filterless devices. Because Apple and HP have completely disregarded their duty to protect their customers from obscene content, they communicate to our children and adults that the content obscene content really isn't that harmful to interact with (which parallels the message from Tobacco companies before they were sued). But that is not what Congress and the Courts believe regarding obscenity and products liability. I was not part of the first wave of attack in the "Porn War," but like a good Soldier, I am here, as a victim, to assist other existing and future victims to put the death nail in this sexual holocaust. The thousands of voices from the victims should carry the day.

#### VOICES OF VICTIMS

Not only is the law on my side. Public momentum will inevitably be as well. I am going to be to take the emotional high ground and clout away from Apple and HP so that are no excuses for not giving me the relief I demand on any level. I want the voices of victims to win

this case so that they can find healing. On May 17th - 19th, I attended the Sex Trafficking Coalition in D.C.. There, I observed Brain surgeon Donald L. Hilton, M.D. present groundbreaking findings on the addictive nature of adult pornography. Sharon Cooper, M.D. of the University of North Carolina warned of the profound impact that viewing pornography is having on today's children. Leading author Dr. Gail Dines lectured on how porn is upending the development of the sexual template of teens. But that was the tip of the iceberg.

I listened to victim after victim provide compelling testimony about how pornography absolutely devastated their lives. At one point, I had in my hands on a book that literally consisted of thousands of testimonials received by Fight The New Drug from teenagers and young adults. I offered to pay any amount to have the book so that the Court could read these horrific testimonials from children. Reading the testimonials was so painfully disturbing that I could barely make it through the first entries. Thousands of kids are crying out for help because of the porn addiction that device makers like Apple and HP have mercilessly exposed them to. I do not get start struck very often, but Fight The New Drug has managed to make fighting porn "cool," amongst the youth. It appears that the youth will be parenting the adults after all. It is their voice that I call on to speak. We are sick of the adults failure, greed, hypocrisy, and dishonesty. Living off the tops of their heads and making semantical arguments about the first amendment, adults like Tim Cook and Sara Ford have left the lives of children in shambles. The Court must not ignore the voices of the youth who have provided testimonials to Fight The New Drug so that they were used to prevent these kinds of tragic injuries from ever happening again. Currently, I am requesting that Clay Olson, the President of Fight The New Drug, sua sponte provide me with his declaration and the testimonials he has collected in a manner so that we can

protect the victims identity, but yet the Court can consider them. I am trying to convince Mr. Olson and countless others that although the Courts may have had a propensity to give me a good sanctioning now and again, that this Court is a friend to victims - especially children. There are hundreds of victims emerging from shadows.

### Conclusion

I did not bring this case to make a judgment about what other people can do, I am asking the Court to make a judgment on what Apple and HP did. And what they did was to violate obscenity laws and not give us a choice whether we wanted to interact with sexually poisonous content that kills love. I am not that eloquent, like Professor Ford. But this is not about that. This case is about healing our Nation sexually and curbing a public health crisis that is constituting a threat to National Security. This case, like the same-sex marriage cases I tried to have this one consolidated with, is about children. A large portion of the material that the Defendants expose us to does not have serious artistic value, since it merely inspires a shameful morbid interest in sex, which destroys intimacy and leads to altered sexual orientation. Whatever we have sex with, we bond with. Its not complicated. A lot of the indecent content that Apple and HP distribute does not satisfy our community standard in Tennessee. Our children and families deserve to have the laws enforce no matter how Special Apple and HP think that they are. I understand that pornography is not a fun topic to talk about. Even the word "porn" alone represents a trigger for many. Talking about porn is as preferable as talking about bathroom business. Yet, we can no longer avoid this systemic problem because porn is openly hunting us, especially the weakest and most vulnerable amongst us - children. I reply.

On balance, I have a final challenge for Professor Ford, visit "watersports.com," (sounds

innocent enough on the surface right?) yet instead of seeing what one would imagine, the Professor will find that the site is urination pornographic website crafted to cause unconscionable perverted arousal. These kinds of tactics used by predatory pornographers to trick customers into interacting with such graphic pornography that Apple is defending through an argument of semantics. Because Professor Ford is defending the distribution of these sites in defiance of reason and the law, the website watersports.com should symbolically be used to urinate profusely all over Apple and HP's arguments followed shiftily by a denial. Accordingly, all of my motions should all be granted at all times. I encourage the Court to watch: [http://www.joycemeyer.org/BroadcastHome.aspx?video=I\\_Will\\_Stand\\_Against\\_Human\\_Trafficking](http://www.joycemeyer.org/BroadcastHome.aspx?video=I_Will_Stand_Against_Human_Trafficking). Granting my motion for an injunction will help terminate infant farms discussed therein.

Respectfully Submitted,

s/Chris Sevier/  
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**CERTIFICATE OF SERVICE**

This motion was served on opposing counsel through ECF/PACER Filing System to Tom Wiseman at [tom@wisemanashworth.com](mailto:tom@wisemanashworth.com), and Professor Sara Ford at [sford@lightfootlaw.com](mailto:sford@lightfootlaw.com) on this 23nd day of May 2014.

s/Chris Sevier/